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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,652	07/07/2005	Rudolf Fux	785-012035-US (PAR)	8763
2512	7590	06/14/2007	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			TRUONG, THANH K	
			ART UNIT	PAPER NUMBER
			3721	
			MAIL DATE	DELIVERY MODE
			06/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,652

Applicant(s)

FUX, RUDOLF

Examiner

Thanh K. Truong

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment received on April 5, 2007.
2. Applicant's cancellation of claims 3 and 4 is acknowledged.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5 and 16-19 rejected under 35 U.S.C. 102(b) as being anticipated by Hustad et al. (5,293,997).

Hustad et al. discloses a thermally formed packaging comprising: two half-shells (43, 44), which are joined together and form a hollow article, the two shells joined together in a plane that is inclined relative to the horizontal (figure 6), extends substantially along the diagonal of the hollow article, a closure (35, 36 and 45, 46) which takes the form of a projection with a recess (36) complementary thereto (figures 4-6).

Hustad et al. further discloses a plastic closure mechanism wherein the recess comprises an elongate hole (36), the projection comprising an embossed cross (35, 38) and the elongate hole having a peripheral zone and slits (36, 37) in the peripheral zone (Figures 4-5, the projection portion (35, 38) is being construed as the embossed cross of the projection portion – the elongated portion cross by the two transverse portions,

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and the molded portion that is protruding from the surface is construed as the embossed portion).

Regarding claim 2, hinge (42) between the half-shells, for close and open the package.

Regarding claim 5, the half-shells comprise stiffening ribs (figures 1, 4 and 6).

Regarding claims 16-19, the film is thermally and mechanically deformable, wherein the half shells are adapted to be reclosably joined together.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 5 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon (3,556,337) in view of Rosenthal (2,709,290).

Harmon discloses a thermally formed packaging comprising: two half-shells (20, 22), which are joined together and form a hollow article, the two shells joined together in a plane that is inclined relative to the horizontal (figure 2), extends substantially along the diagonal of the hollow article, a closure which takes the form of a projection with a recess complementary thereto (figures 1-3 - column 2, lines 15-18).

Harmon discloses the claimed invention, but it does not expressly disclose: the recess comprises an elongate hole, the projection comprising an embossed cross and

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the elongate hole having a peripheral zone and slits in the peripheral zone (as recite in claim 1).

Rosenthal discloses a plastic closure mechanism comprising a projection (10, 10') with a recess (19, 19') complementary thereto, wherein the recess comprises an elongate hole (21, 21'), the projection comprising an embossed cross (16, 16') and the elongate hole having a peripheral zone and slits (22, 22') in the peripheral zone – Figure 9, the projection portion (16, 16') is being construed as the embossed cross of the projection (10, 10'). Rosenthal closure mechanism provides an effective means to interlock two plastic members.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Harmon thermally formed packaging container by incorporating the closure mechanism as taught by Rosenthal to provide an effective interlocking means for the plastic container.

The modified Harmon by Rosenthal further discloses:

Regarding claim 2, hinge (18, 18a) between the half-shells, for close and open the package (Harmon – figures 1-2 and 4)

Regarding claim 5, the half-shells comprise stiffening ribs (Harmon - 34).

Regarding claims 16-19, the film is thermally and mechanically deformable, wherein the half shells are adapted to be reclosably joined together.

7. Claims 1, 2, 5 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (5,176,272) in view of Rosenthal (2,709,290).

Ryan discloses a thermally formed packaging comprising: two half-shells (12, 14), which are joined together and form a hollow article, the two shells joined together in a plane that is inclined relative to the horizontal (figures 1, 2, 4 & 5), extends substantially along the diagonal of the hollow article, a closure (24, 25) which takes the form of a projection with a recess complementary thereto (figures 1, 2, 4 & 5 - column 3, lines 18-20).

Ryan discloses the claimed invention, but it does not expressly disclose: the recess comprises an elongate hole, the projection comprising an embossed cross and the elongate hole having a peripheral zone and slits in the peripheral zone (as recite in claim 1).

Rosenthal discloses a plastic closure mechanism comprising a projection (10, 10') with a recess (19, 19') complementary thereto, wherein the recess comprises an elongate hole (21, 21'), the projection comprising an embossed cross (16, 16') and the elongate hole having a peripheral zone and slits (22, 22') in the peripheral zone – Figure 9, the projection portion (16, 16') is being construed as the embossed cross of the projection (10, 10'). Rosenthal closure mechanism provides an effective means to interlock two plastic members.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Ryan thermally formed packaging container by incorporating the closure mechanism as taught by Rosenthal to provide an effective interlocking means for the plastic container.

The modified Ryan by Rosenthal further discloses:

Regarding claim 2, hinge (Ryan - 16) between the half-shells, for close and open the package.

Regarding claim 5, the half-shells comprise stiffening ribs (Ryan - 20, 32).

Regarding claims 16-19, the film is thermally and mechanically deformable, wherein the half shells are adapted to be reclosably joined together.

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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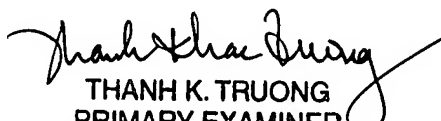
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkk
June 11, 2007.


THANH K. TRUONG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3700

DRAWING APPROVED 6/11/07 tft

CI0049US

Docket #: 785-012035-US (PAR)
S/N: 10/516,652
Title: "Reclosable Plastic Packaging..."
Inventor(s): Randolph Fux
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"Replacement Sheet"

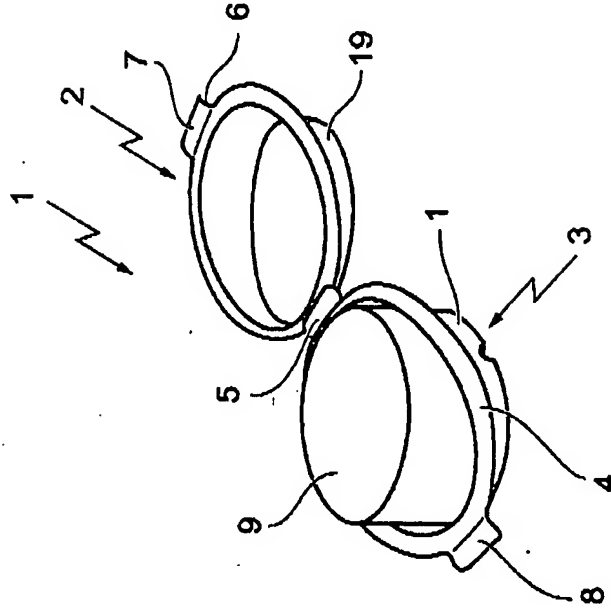


Fig. 2

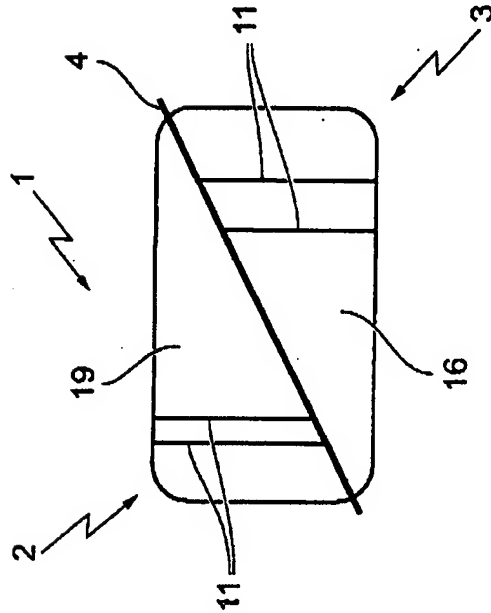


Fig. 1